

**§ 703.111 Submission without a hearing.**

Either party may elect to waive a hearing and to submit his case upon the record before the Board, as settled pursuant to § 703.113. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit or require such submission to be supplemented by oral argument (transcribed if requested), and by briefs arranged in accordance with § 703.123.

**§ 703.112 Optional accelerated procedure.**

(a) In appeals involving \$25,000 or less, either party may elect, in its notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount is claimed, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed \$25,000. In addition, such optional accelerated procedure, at the discretion of the Board, may be employed regardless of the amount involved for other reasons, such as financial hardship, status as small business, location of appellant in an area of concentrated unemployment or underemployment or in an area of substantial or persistent labor surplus. An accelerated case shall be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board sustains such objection. In accelerated cases proceeding under this rule, parties are encouraged, to the extent possible consistent

with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decision by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Administrative Judge with the concurrence of the Chairman or other designated member.

(c) Except as herein modified, these rules otherwise apply to accelerated cases in all respects.

**§ 703.113 Settling the record.**

(a) The record upon which the Board's decision will be rendered consists of the pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, oral and written testimony, transcripts of conferences and hearings, hearing exhibits, post-hearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will at all reasonable times be available for inspection by the parties at the office of the Board, or such other place as the Board may designate.

(b) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require any party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

**§ 703.114 Discovery.**

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person